

ENTERED

September 11, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSHUA JOHNSON,

Plaintiff,

VS.

THE WESTFIELD CORPORATION, INC., *et*
al,

Defendants.

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CIVIL ACTION NO. 4:17-CV-1568

ORDER ADOPTING MEMORANDUM AND ORDER

Pending before the Court in the above referenced proceeding is Defendants' Motion for Summary Judgment (Doc. No. 33); Plaintiff's Response (Doc. No. 34); Defendants' Reply to Plaintiff's Response (Doc. No. 35); Plaintiff's Surreply (Doc. No. 36); and Magistrate Judge Stacy's Memorandum and Recommendation (Doc. No. 42) that the Court deny the Defendant's Motion for Summary Judgment. Neither party filed objections to the Memorandum and Recommendation.

Upon review, the Court agrees with the Magistrate Judge's conclusion that Defendants did not meet their burden of proof on essential elements of their defenses or that there exists genuine issues of material fact which preclude judgement in favor of Defendant. Accordingly, it is hereby

ORDERED that the Memorandum and Recommendation (Doc. No. 42) is **ADOPTED**, Defendants' Motion for Summary Judgment (Doc. No. 33) is **DENIED**. It is further

ORDERED that the parties will consult regarding trial schedule and provide the Court with proposed date for filing the Joint Pretrial Order and proposed trial date.

SIGNED at Houston, Texas, this 11th day of September 2019.

A handwritten signature in black ink, appearing to read 'A. S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE